

### **AMENDMENT TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A negative electrode for a non-aqueous electrochemical cell comprised of an intermetallic compound which is crystalline in its initial state having as its basic structural unit the formula  $M_2M'$  in which M and M' are selected from two or more metal elements including Si, and the  $M_2M'$  structure is a  $Cu_2Sb$ -type structure.
2. (original) A negative electrode of claim 1, in which  $M_2M'$  has a fully disordered structure or a partially disordered structure.
3. (original) A negative electrode of claim 1, in which  $M_2M'$  is a non-stoichiometric compound in which the M:M' ratio falls within the range 2.33: 1 to 1.67:1.
4. (original) A negative electrode of claim 3, in which  $M_2M'$  is a non-stoichiometric compound in which the M:M' ratio falls within the range 2.1:1 to 1.9:1.
5. (original) A negative electrode of claim 1, in which M is Cu, Mn and/or Li, and M' is Sb.
6. (original) A negative electrode of claim 5, in which the Li content if present is 20 atom percent or less of the  $M_2M'$  structure.
7. (original) A negative electrode of claim 1, in which  $M_2M'$  is  $Cu_2Sb$  or  $Mn_2Sb$ .

8. (original) A negative electrode of claim 1, in which Li is added as a separate component to the  $M_2M'$  electrode to the extent of 20 atom percent or less of the  $M_2M'$  structure.

9. (original) A negative electrode of claim 1, in which surplus M metal is added to the  $M_2M'$  electrode, to the extent of 50 atom percent or less.

10. (original) A negative electrode of claim 9, in which the surplus M metal is 20 atom percent or less.

11. (currently amended) A negative electrode for a non-aqueous electrochemical cell comprised of a compound which is crystalline in its initial state having as its basic structural unit the formula  $M_2M'$ , and having a  $Cu_2Sb$ -type structure, in which M is one or more metal elements and M' is one or more metal or non-metal elements.

12. (original) A negative electrode of claim 11, in which the M' atoms are selected from the Group Va elements excluding nitrogen.

13. (original) A negative electrode of claim 12, in which the M' atoms are selected from P or As.

14. (currently amended) A non-aqueous electrochemical cell comprising a negative electrode, an electrolyte and a positive electrode the negative electrode including an intermetallic compound which is crystalline in its initial state having as its basic structural unit the formula  $M_2M'$  in which M and M' are selected from two or more metal elements including Si, and the  $M_2M'$  structure is a  $Cu_2Sb$ -type structure.

15. (currently amended) A battery comprising ed of a plurality of cells, at least some cells including a negative electrode and a non-aqueous electrolyte and a positive electrode, said negative electrode having an intermetallic compound which is crystalline in its initial state having as its basic structural unit the formula  $M_2M'$  in which M and M' are selected from two or more metal elements including Si, and having a  $Cu_2Sb$ -type structure.

16. (currently amended) A non-aqueous electrochemical cell comprising a negative electrode, an electrolyte and a positive electrode, said negative electrode having an intermetallic compound which is crystalline in its initial state having as its basic structural unit the formula  $M_2M'$ , and having a  $Cu_2Sb$ -type structure, in which M is one or more metal elements and M' is one or more metal or non-metal elements.

17. (currently amended) A battery comprising a plurality of cells, at least some cells including a negative electrode and a non-aqueous electrolyte and a positive electrode, said negative electrode including an intermetallic compound which is crystalline in its initial state having as its basic structural unit the formula  $M_2M'$ , and the  $M_2M'$  structure is a  $Cu_2Sb$ -type structure, in which M is one or more metal elements and M' is one or more metal or non-metal elements.

18. (new) The negative electrode of claim 1, wherein the intermetallic compound is made by ball milling of the metal elements M and M'.

19. (new) The negative electrode of claim 18, wherein the ball milling is at ambient temperature in air in the presence of a lubricating agent.

20. (new) The negative electrode of claim 19, wherein the lubricating agent is graphite.

21. (new) A negative electrode for a non-aqueous electrochemical cell comprised of an intermetallic compound which is crystalline in its initial state having an x-ray diffraction pattern substantially the same as Figure 3.

22. (new) A negative electrode for a non-aqueous electrochemical cell comprised of an intermetallic compound which is crystalline in its initial state having an x-ray diffraction pattern substantially the same as Figure 5.